

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

September 27, 2018

2018 SEP 27 P 4:07

U.S. DISTRICT COURT
N.D. OF ALABAMA

This document relates to:

**Troy T. Williams, an
Individual**

Plaintiff,

V.

: NOTICE OF APPEAL

:

Case No. 5:17-cv-01216-CLS

: PLAINTIFF DEMANDS TRIAL

: BY JURY

:

:

:

**Capital One Bank(USA)N.A. et. al.
*Defendant[s]***

**“NOTICE OF APPEAL”
TO THE COURT OF APPEALS FROM JUDGEMENT OR ORDER FOR
THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA, EASTERN DIVISION**

NOTICE, is hereby given that Plaintiff Williams, pro se', asserts his appeal as of right- “how taken” in accords F. R. App. P. 3(a) and (c) and appeal as of right- “when taken” F. R. App. P. 4(a)(1)(A) in above named case, hereby appeals to the United States Court of Appeals for the **ELEVENTH CIRCUIT** for order rendered on September 20, 2018 (Document No. 118), for order rendered on

January 8th, 2018 (ECF 84) by **C. Lynwood Smith Jr.**, Judge of the United States District Court for the Northern District of Alabama, Eastern Division.

It is Plaintiff's contention that Judge C. Lynwood Smith Jr. **"abused its discretion"** by applying incorrect legal standards, and misrepresentation of the statute as it pertains to FCRA § 1681i(a)(1)(A), § 1681i(a)(1)(B), §1681e(b), § 1681h(e), § 1681s-2(b) along with ignoring Federal Rules of Civil Procedure. Furthermore, it is movant's contention that Judge C. Lynwood Smith Jr. **"abused its discretion"** by ignoring Williams' docket entries concerning this case.

The Eleventh Circuit stated:

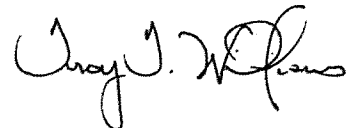
The grant or denial of summary judgment is reviewed *de novo*, as well as, a motion to dismiss *de novo*. *B&G Enters., Ltd. v. United States*, 220 F.3d 1318, 1322 (11th Cir. 2000); *Thornton v. E.I. Du Pont de Numours & Co.*, 22 F.3d 284, 288 (11th Cir. 1994); *Harvey v. Marchant*, 237 F.3d. 1315, 1317 (11th Cir. 2001).

The Eleventh Circuit Further Stated:

In conducting such review, both the record and controlling law are reviewed. The Court gives no difference to the lower court's decision, and applies the same standard as the district court. *See e.g. Whatley v. CAN Ins.Co.*, 189 F. 3d. 1310, 1313 (11th Cir. 1999). The court must view all evidence and all factual inferences

reasonably drawn from the evidence in the light most favorable to the nonmoving party. *St. Charles Foods, Inc. v. America's Favorite Chicken Co.*, 198 F.3d 815, 819 (11th Cir. 1999). In matters pertaining to “Motion To Dismiss”, the court accepts all allegations of the complaint as true and construes the facts in the light most favorable to the plaintiff. *Harvey v. Marchant*, 237 F. 3d. 1315, 1317 (11th Cir. 2001).

Respectfully submitted,



/s/ Troy T. Williams

(Pro Se)

PO Box 464

Harvest, Alabama

256-749-2614

256-829-8246 Alt#

twothetwill@gmail.com

In Proper Person

Certificate of Interested Parties:

September 27th, 2018

I, Troy T. Williams, do solemnly swear that the foregoing is true and correct to the best of my knowledge and that this "*Notice of Appeal*" is in compliance with **with Local Court Rules, Fed.R.Civ.P. and Fed.R.App.P.**. I have sent the following parties a copy of my brief via United States Postal Service and/or by email. .If you have any questions please contact me at twothetlwill@gmail.com. Thank you.

Capitla One Bank (USA)N.A.

Attn: Joshua Threadcraft

Burr & Forman LLP

420 North 20th Street

Suite 3400

Birmingham, AL 35203

Email: JThreadcraft@burr.com

Attorney To Be Noticed

Equifax Information Services LLC.

Attn: Kirkland E Reid

JONES WALKER LLP

11 N. Water Street

Suite 1200

Mobile, AL 36602

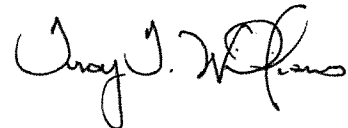
251-432-1414

Fax: 251-439-7358

Email: kreid@joneswalker.com

ATTORNEY TO BE NOTICED

Respectfully submitted,



/s/Troy T. Williams

(Pro Se)

PO Box 464

Harvest, Alabama

256-749-2614

256-829-8246 Alt#

twothetlwill@gmail.com

In Proper Person